

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SANTOS VELEZ,

Plaintiff,

-against-

9:05-CV-342
(LEK/GJD)

M.T. GULDAN, DDS; N. SMITH, Nurse
Administrator; and SUPERINTENDENT
WOODS,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on September 11, 2008, by the Honorable Gustave J. DiBianco, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 54).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge DiBianco's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 54) is **APPROVED** and
ADOPTED in its **ENTIRETY**; and it is further

ORDERED, that Defendants' Motion for summary judgment (Dkt. No. 43) is **GRANTED** with respect to all claims against Defendants Nurse Administrator Smith and Superintendent Woods; and it is further

ORDERED, that Defendants' Motion for summary judgment (Dkt. No. 43) is **DENIED** with respect to Plaintiff's first claim against Defendant Dr. Guldan, that the 25-month delay in treatment constituted deliberate indifference to a serious medical need; and it is further

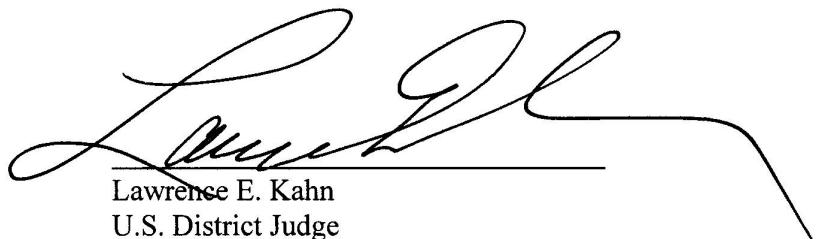
ORDERED, that Defendants' Motion for summary judgment (Dkt. No. 43) is **GRANTED** with respect to Plaintiff's second claim against Dr. Guldan, that the dental care received by Plaintiff after November 2004 was inadequate and deliberately indifferent to a serious medical need; and it is further

ORDERED, that Plaintiff's cross-Motion for summary judgment (Dkt. No. 53) is **DENIED** in all respects; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: September 26, 2008
Albany, New York



The image shows a handwritten signature in black ink, appearing to read "Lawrence E. Kahn". Below the signature, there is a horizontal line. Underneath the line, the name "Lawrence E. Kahn" is printed in a standard font, followed by "U.S. District Judge" in a smaller font.